

**REPORT OF DIRECTOR OF PARK DIRECTION AND PLANNING**

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**SUBJECT: CONSULTATIONS IN CONJUNCTION WITH THE PLANNING (WALES) BILL**

1. Purpose of Report

- 1.1 To approve this National Park Authority's response to a series of consultations associated with the Planning (Wales) Bill and proposed secondary legislation. The draft responses have been prepared on behalf of the three Welsh National Parks
- 1.2 A report to the National Park Authority meeting of the 5<sup>th</sup> of November 2014 explained the background for Members.
- 1.3 The following consultations are dealt with in this report:

<b>Subject</b>	<b>Deadline</b>
Planning and related decisions of the Welsh Ministers	30/01/15
Proposed amendments to legislation on the power to override easements and other rights	16/01/15
Review of planning application fees (consultation document and draft regulatory impact assessment)	16/01/15
Planning Committees, delegation and joint planning boards (consultation document and draft regulatory impact assessment)	16/01/15
Design in the planning process	16/01/15
Frontloading the development management system	16/01/15
LDP process refinement exercise	02/01/15

2. Planning and related decisions of the Welsh Ministers

- 2.1 **Overview:** This consultation sets out proposals by the Welsh Government to make changes to the way decisions on planning and related applications and appeals are dealt with, where they are referred to the Welsh Ministers, or the Planning Inspectorate acting on their behalf.

**2.2 Main Issues arising:** There are no substantive issues arising. The consultation response is set out in Appendix A.

### 3. Power to Override Easements and other Rights

**3.1 Overview:** This proposes powers enabling relevant organisations to override easements and other rights over land in their ownership that has come forward through the planning system.

**3.2 Main Issues arising:** No issues have been identified. The consultation response is set out in Appendix B.

### 4. Review of planning application fees (consultation document and draft regulatory impact assessment)

**4.1** This sets out proposals to increase planning application fees and other changes to help ensure resources are used in the most efficient and effective way.

**4.2 Main Issues arising:** No significant issues arising. The consultation response is set out in Appendix C.

### 5. Planning Committees, delegation and joint planning boards (consultation document and draft regulatory impact assessment)

**5.1** This addresses delegation arrangements and the size and make-up of planning committees seeking to secure fair, consistent and efficient decision-making across Wales (sections 3 (2), 13, 37 and Schedule 1 of the Bill). Views are also sought on the size and make-up of joint planning boards and strategic planning panels.

**5.2 Main Issues arising:** Issues are raised regarding Welsh Government defining how a committee should be quorate; the scale and nature of proposals taken to development management committees; how the level of objection should determine referral to development management committee and how Member call in should be addressed. Determining the size of Joint Planning Boards should be a matter of local discussion. The consultation response is set out in Appendix D.

### 6. Design in the planning process

**6.1 Overview:** This seeks views on how national planning policy on design can be supported and facilitated to deliver good design through the planning system (section 27 of the Bill).

**6.2 Main Issues arising:** The need for a national sustainable design policy is highlighted along with the need to have a lower threshold in National Parks for the scale of proposal that would require a mandatory pre-application submission. Addressing inclusive access is highlighted and the need for mainstreaming sustainable development which goes beyond just the design of

the building itself. The role of Design and Access Statements is commented upon. The consultation response is set out in Appendix E.

## 7. Frontloading the development management system

7.1 **Overview:** This details the operation of pre-application processes introduced by sections 15 and 16 of the Bill. It also seeks views on how powers in the Bill and the Planning and Compulsory Purchase Act 2004 can facilitate improved service delivery by statutory consultees.

7.2 **Main Issues arising:** A lower threshold for the scale of proposals to be considered by National Park Authorities through pre-application consultation is highlighted. The consultation response is set out in Appendix F

## 8. LDP Refinement Exercise

8.1 **Overview:** The Welsh Government is making changes to the Local Development Plan (LDP) process and are consulting on revisions to our current Local Development Plan guidance documents and secondary legislation.

8.2 **Main Issues:** The main issues are in relation to whether the candidate site process could be further streamlined (the alternative site stage is already proposed for deletion) – see answer to Q1. The timescales proposed for short form revision also seem tight when public engagement is required – see answer to Q3. The suggestion that planning authorities should have regard to ‘resources’ is understood but this is not an area (i.e. the delivery of development) where planning authorities in particular national park authorities have control – see answer to Q 6. The consultation response is set out in Appendix G.

## 9. Financial considerations

9.1 The impacts financially will be dependant on the final decision made. There are proposals to consider which would potentially increase fees and charge a pre-application fee. The work of the authority would alter as well and a definitive benefit financially or otherwise is difficult to quantify. A regulatory impact assessment was prepared by the Welsh Government to accompany the consultations in Appendix C (Fees) and Appendix D (Planning Committees) which can be viewed online. The three National Park Authorities response in Appendix D highlights need for an impact analysis on local communities for these proposals.

## 10. Risk considerations

10.1 The main risk from these proposals surrounds the potential for loss of local distinctiveness in approach within rural areas and National Parks. There are concerns regarding whether adequate engagement is possible with the revised

approach to Local Development Plan review. Also the practicality of placing an increased onus on the local planning authority in terms of deliverability of Local Development Plans is questioned.

## 11. Conclusion

11.1 The proposals by Welsh Government are in the main supported with the issues of concern for the three National Park authorities highlighted in the above report.

## 12. **Recommendation:**

**That the draft National Parks Wales response in respect of the following Welsh Government's consultations be approved:**

- a) Planning and related decisions of the Welsh Ministers – Appendix A**
- b) Proposed amendments to legislation on the power to override easements and other rights – Appendix B**
- c) Review of planning application fees (consultation document and draft regulatory impact assessment) – Appendix C**
- d) Planning Committees, delegation and joint planning boards (consultation document and draft regulatory impact assessment) – Appendix D**
- e) Design in the planning process – Appendix E**
- f) Frontloading the development management system – Appendix F**
- g) Local Development Plan process refinement exercise – Appendix G**

### Background Documents

Welsh Government consultations

<http://wales.gov.uk/consultations/planning/?lang=en>

Previous Welsh Government consultations

<http://wales.gov.uk/consultations/planning/?status=closed&lang=en>

National Park Committee Reports

5<sup>th</sup> February 2014 National Park Authority

19<sup>th</sup> February 2014 Development Management Committee

5<sup>th</sup> November 2014 National Park Authority

[Pembrokeshire Coast National Park - Committees](#)

*(For further information, please contact Jane Gibson / Martina Dunne / Alan Southerby)*

*Author: Jane Gibson / Martina Dunne / Alan Southerby/ Officers of the Snowdonia National Park Authority and Officers Brecon Beacons National Park Authority*

*Consultees: Core Management Team*

Pembrokeshire Coast National Park Authority  
National Park Authority – 17<sup>th</sup> December 2014

Consultation reference: WG23275

## **Annex 1 - Consultation Response Form**

### **Planning and Related Decisions of the Welsh Ministers**

We want your views on our proposals which make changes to the way decisions on planning and related applications and appeals are dealt with, where they are referred to the Welsh Ministers, or the Planning Inspectorate acting on their behalf.

***Please submit your comments by 30/01/2015.***

If you have any queries on this consultation, please email:  
[planconsultations-g@wales.gsi.gov.uk](mailto:planconsultations-g@wales.gsi.gov.uk) or telephone Lewis Thomas on 029 2082 3201.

#### **Data Protection**

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation reference: WG23275

Planning and Related Decisions of the Welsh Ministers		
Date of consultation period: 07/11/2014 – 30/01/2015		
<b>Name</b>	Jane Gibson	
<b>Organisation</b>	on behalf of the 3 Welsh National Parks	
<b>Address</b>	Llanion Park Pembroke Dock Pembrokeshire SA72 6DY	
<b>E-mail address</b>	janeg@pembroke	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree that appeals against the refusal of, and conditions relating to, consents to display an advertisement should be incorporated within an expedited appeal system as part of the Commercial Appeals Service (CAS)? If not, why not?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> This seems a sensible suggestion, in principle, subject to reassurance that the process will enable a sound understanding and full consideration of the issues in areas such as National Parks and Conservation Areas (Article 1(5) land) given the impact that advertisements can have in such sensitive locations.				

Consultation reference: WG23275

Q2	Do you agree that the Welsh Ministers should apply section 195 of the Planning Act 2008 in Wales (which amends section 266(1) of the Town and Country Planning Act 1990) so that the default position for the determination of called in applications and appeals by statutory undertakers is that they are dealt with solely by the Welsh Ministers, unless the Welsh Ministers or the relevant Secretary of State gives direction for them to be dealt with jointly?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the 4 week timescale proposed for the dual-jurisdiction of non-determination appeals? If not, please suggest alternative timescales with your reasons.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Given the likelihood for applications the subject of such appeals to be reported to committee, it is important that the proposed 4 week opportunity for the LPA to continue to be able to make a decision is not prejudiced by the frequency of committee meetings and necessary lead-in times. On this basis, an extended period of 6 weeks would be more appropriate.				

Q4	Is there any other comment you wish to make in relation to these changes to appeals against non-determination?
Comments:	

Consultation reference: WG23275

Q5	Do you agree that the Planning Inspectorate should be given authority to determine listed building consent and listed building enforcement appeals in relation to Grade I and II* listed buildings in line with current procedures for Grade II listed buildings?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6	Do you agree that the Planning Inspectorate should be given authority to determine appeals for which grants have been made by the Welsh Ministers under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7	Do you agree that the Planning Inspectorate should be given authority to determine appeals against the determination of conditions attached to minerals permissions, made under paragraphs 11(1) of Schedule 13 and paragraph 9(1) of Schedule 14 to the Environment Act 1995?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8	Do you agree that the Planning Inspectorate should be given authority to determine appeals against decisions or failure to take decisions under section 21 of the Planning (Hazardous Substances) Act 1990?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9	Do you agree that the Planning Inspectorate should be given authority to determine appeals under section 208 of the Town and Country Planning Act 1990 against section 207 notices for the replacement of trees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Q10</b>	Are there any additional comments you wish to make in relation to these changes to the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997?
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Consultation reference: WG23275

## **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-g@wales.gsi.gov.uk">planconsultations-g@wales.gsi.gov.uk</a> Please include 'Planning and Related Decisions of the Welsh Ministers - WG 23275' in the subject line.
<b>Post</b>
Please complete the consultation form and send it to: <b>Planning and Related Decisions of the Welsh Ministers Consultation Decisions Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please: email: <a href="mailto:planconsultations-g@wales.gsi.gov.uk">planconsultations-g@wales.gsi.gov.uk</a> ; or telephone: Lewis Thomas on 029 2082 3201

Consultation reference: WG23294

## Appendix B - Consultation Response Form

### Consultation on Proposed Amendments to Legislation on the Power to Override Easements and Other Rights

We want your views on our proposals to amend, by order, the provisions contained in the following Acts which provide powers to relevant organisations enabling them to override easements and other rights over land in their ownership to improve the implementation of regeneration projects by removing an impediment to the use of the land:

- (i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980;
- (ii) Section 19 of the New Towns Act 1981;
- (iii) Paragraph 5 of Schedule 10 to the Housing Act 1988: and
- (iv) Section 237 of the Town and Country Planning Act 1990.

This consultation document puts forward proposals to amend the provisions listed above.

***Please submit your comments by: 16/01/2015.***

If you have any queries on this consultation, please email: [planconsultations-h@wales.gsi.gov.uk](mailto:planconsultations-h@wales.gsi.gov.uk) or telephone 029 2082 5181.

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Martina Dunne	
<b>Organisation</b>	On behalf of the National Park Wales	
<b>Address</b>	Llanion Park Pembroke Dock Pembrokeshire Sa72 6DY	
<b>E-mail address</b>	Martinad@pembrokeshire coast.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
		(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments:	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG23067

## **Annex 2 - Consultation Response Form**

### **Review of Planning Application Fees**

We want your views on our proposals to ensure local planning authorities have the necessary resources and that they are used in the most efficient and effective way.

This consultation document puts forward proposals for changes to the system of planning fees to help achieve this aim.

***Please submit your comments by 16/01/2015.***

If you have any queries on this consultation, please email:  
[planconsultations-b@wales.gsi.gov.uk](mailto:planconsultations-b@wales.gsi.gov.uk) or telephone Owen Struthers on 029 2082 6430.

#### **Data Protection**

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Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Iwan Evans	
<b>Organisation</b>	Welsh National Parks	
<b>Address</b>		
<b>E-mail address</b>		
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

<b>Q1a</b>	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**The Welsh National Park Authorities consider that the proposed 15% increase is acceptable, considering that there has not been an increase since 2009. The proposed increase will be in line with planning fees in England although we consider they should be increased by 20% to cover a greater proportion of costs.**

<b>Q1b</b>	If not, what do you consider to be a more appropriate change, if any?
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Comments:  
**It is considered that a higher increase could be supported that more accurately reflects the actual cost to the Local Planning Authority of considering different types of planning applications. In addition, having regard to the fact that this will be the first increase in the fees since 2009, it is considered that the majority of**

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**the increase is in line with inflation and as such, does not truly reflect an increase in fees.**

<b>Q2a</b>	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**  
**Yes - Significant improvement has been made in performance of the 3 Welsh National Parks over the past 3 years. Provided that there will be clear guidance on the criteria of providing a refund as more often than not it is due to the actions of the agent/applicant that delays occur, preventing LPA from making a timely decision.**

**Unless there is clear and unambiguous guidance however on this matter it will become an issue of dispute between LPA's and developers.**

**Q2b** If you do not agree, what other options are available?

**Comments:**

<b>Q3a</b>	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**  
**16 and 24 weeks appears to be a reasonable timeframe. Such a timeframe should not include decisions subject to 106 agreements where a committee resolution or delegated decision has already been reached.**

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<b>Q3b</b>	If you do not agree, what do you consider to be an appropriate time?
Comments:	

<b>Q4a</b>	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
<p><b>Yes - since charges have been introduced in England, many agents get confused as to why charges are not applicable in Wales. Discharging a condition normally requires an officer to re-visit the application site and the fees would somewhat help to recover some of the costs.</b></p>				

<b>Q4b</b>	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

<b>Q5</b>	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments:	
<p><b>Yes - 16 weeks is a reasonable and workable timeframe unless there are mitigating circumstances which cause a delay beyond this time.</b></p>	



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<b>Q6</b>	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Dealing with such a request can be time consuming for LPA. The fees proposed are acceptable</b>				

<b>Q7a</b>	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>No - Section 106 planning obligation vary in complexity and the LPA should be responsible for setting their own fees, based on complexity and time spent by officers in drafting and completing obligations.</b>				

<b>Q7b</b>	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments:	

<b>Q8</b>	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Yes - paying a fee to the Planning Inspectorate is unfair to the appellant</b>				

<b>Q9a</b>	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>Each proposal should have its own fee to reflect officer time and the diverse nature of locations.</b>				

<b>Q9b</b>	If you have answered no, please explain why.
Comments: <b>The National Park areas is so diverse and each site needs to be assessed individually.</b>	

<b>Q10a</b>	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>If a decision of reserved matters has been made the applicant has had sufficient opportunity to consider the development. Further re-consideration should attract a fee via the section 73 route as suggested.</b>				

Consultation reference: WG23067

<b>Q10b</b>	If you have answered no, please explain why.		
Comments: <b>Applicants can apply for a Section 73 determination if further changes are proposed</b>			

<b>Q11a</b>	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Yes - Many applications received by the three National Parks are for renewable energy developments. These developments vary in scale and a separate fee schedule, would ensure consistency and reasonable cost recovery.</b>				

<b>Q11b</b>	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q11c</b>	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: <b>As suggested in paragraph 3.44 Consider fees based on an area required around</b>	

Consultation reference: WG23067

**individual wind turbines for uninterrupted airflow - currently turbines on large wind farms are spaced about seven rotor diameter blades apart. Calculate fee on a circle of this diameter around each turbine. This area would vary with size/output of turbine - larger turbines require greater separation therefore fees would correspondingly go up. Alternatively fees based on rotor diameter and area swept by blades could be considered. Again larger diameter turbines would attract more fees which would correspond to greater work input by LPA's.**

<b>Q12a</b>	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Authorities should split the fee with the decision making authority having a higher percentage of the fee.</b>				

<b>Q12b</b>	If you have answered yes, how should this matter be addressed?			
Comments:				

<b>Q13</b>	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>No Comments</b>				

Consultation reference: WG23067

**Q14**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

I do not want my name/or address published with my response (please tick)

### **How to Respond**

**Please submit your comments in any of the following ways:**

#### **Email**

Please complete the consultation form and send it to :

[planconsultations-b@wales.gsi.gov.uk](mailto:planconsultations-b@wales.gsi.gov.uk)

[Please include ‘Planning Fees Consultation – WG23067’ in the subject line]

#### **Post**

Please complete the consultation form and send it to:

**Planning Fees Consultation  
Development Management Branch  
Planning Division  
Welsh Assembly Government  
Cathays Park  
Cardiff  
CF10 3 NQ**

#### **Additional information**

If you have any queries on this consultation, please

email: [planconsultations-b@wales.gsi.gov.uk](mailto:planconsultations-b@wales.gsi.gov.uk) or

telephone: Owen Struthers on 029 2082 6430

## Consultation Response Form

### Planning committees, delegation and joint planning boards

We want your views on our proposals to prescribe the size and make-up of planning committees and the introduction of a national scheme of delegation. Your views on the membership of joint planning boards under section 2 of the Town and Country Planning Act 1990 are also sought.

***Please submit your comments by 16 January 2015.***

If you have any queries on this consultation, please email: [planconsultations-e@wales.gsi.gov.uk](mailto:planconsultations-e@wales.gsi.gov.uk) or telephone Luke Seaborne on 029 2082 1573.

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

<b>Planning committees, delegation and joint planning boards</b>		
<b>Date of consultation period: 06 October 2014 – 16 January 2015</b>		
<b>Name</b>	Iwan Evans	
<b>Organisation</b>	On behalf of Welsh National Parks	
<b>Address</b>		
<b>E-mail address</b>		
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

**Planning Committees**

<b>Q1</b>	<b>Do you agree that the size of the planning committee should be limited to a minimum of 11 members and a maximum of 21 members?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: There needs to be a reasonable range, so normally between 11 and 21 would be acceptable however, consideration also needs to be given to numbers necessary to achieve a quorum of members. Too few members on a committee can have an effect that a quorum may not be reached.				

<b>Q2</b>	<b>Do you agree that where wards have more than one elected member only one should sit on the planning committee?</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q3</b>	<b>Do you agree with introducing a quorum of 50% (rounded up where the total committee size is an odd number) for decision-making?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We think the quorum should be decided at the local level as with every other committee. This may be perceived locally as unnecessary micro-management by the Welsh Government. For example the SNPA Planning Committee quorum threshold is 33% and this figure has not historically led to any problems.				

<b>Q4</b>	<b>Do you agree that the use of substitute members on the planning committee should be prohibited?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:                  The same members on committte will add to consistency and expertise and will ensure that all Members are trained to consider planning applications. It will also avoid the risk of tactical substitution of members depending on the schemes being considered.. Substitution can also give instances where members are not fully aware or trained in recent planning processes, procedures or policies.</p>				

**The role of the planning committee**

<b>Q5</b>	<b>Do you agree with the development management role of the planning committee outlined above?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:                  There is a danger that the role of the Planning Committee will become too strategic and too few planning decisions will be decided by members. In the context of how the consultation paper is written, strategic = larger applications which are far more likely to be sumitted in urban areas.</p> <p>Smaller applications in rural areas can have a substantial impact on the environment and rural communities and can be as controversial as larger schemes in urban areas. It is also the case that a combination of smaller proposals can indicate a trend which members should be made aware of and, in combination, can have wider strategic repercussions.</p> <p>Furthermore, defining or quantifying “community-wide interest” is difficult, particularly if the proposed method is an arbitrary number of letters of objection.</p> <p>There is therefore a danger that the role of the Planning Committee will become too strategic with too few planning decisions being decided by locally elected members.</p> <p>The Three Parks agree that applications that depart from the adopted plan that are recommended for approval due to other material planning considerations should still be referred to Planning Committee no matter how small or big the scheme is.</p>				

**National Scheme of Delegation**

<b>Q6</b>	<b>Do you agree with the inclusion of an exception that requires all applications that are contrary to the adopted development plan which are being recommended for approval to be determined by the planning committee? If not, please explain the reasons.</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>There are some applications which are very marginal and occasionally for proper planning reasons members will overturn a decision by officers. This can go both ways, for or contrary to the adopted development plan.</p> <p>Restricting applications to committee this will deprive members the opportunity to discuss and monitor policies against the local development plan. Ultimately this will diminish their capability to influence the formulation of new policies and their wider understanding of the planning process as a whole.</p> <p>In the longer term this lack of knowledge or understanding could lead to more perverse decisions on more critical applications that could create precedents that will be difficult to move away from in the future..</p>				

<b>Q7</b>	<b>Do you agree with the inclusion of an exception that requires all applications involving an EIA to be determined by the planning committee? If not, please explain the reasons.</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

<b>Q8</b>	<b>Do you agree with the inclusion of an exception relating to applications made by members, LPA staff and their spouses, partners and close relatives? If not, please explain the reasons.</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

--

<b>Q9</b>	<b>Do you agree that the development threshold should be 'major development' as prescribed in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012? If not, please explain the reasons and suggest an alternative threshold.</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

**We believe the threshold limit has been set far too high and such a threshold is more applicable to larger urban areas which are more likely to receive such major proposals. National Parks rightly receive smaller scale developments with only a few likely to exceed the the thresholds proposed under the definition of "major development" as prescribed in the Town and Country Planning (Development Management Procedure) (Wales) Order 21012. Smaller applications within rural areas can have a dispropotionate impact on the environment, Welsh language and social cohesion in general.**

**For example in the last financial year SNPA only received three major applications under this definition and BBNPA seven applications.**

**We consider that members would not have sufficient input and local democratic accountability would be lost together with their ability to uphold the statutory purposes of National Parks. There is a danger that Planning Committees would lose their expertise if too few applications were referred to them leading to difficulties with the determination of the few applications which would ultimately reach committee.**

**There should be an urban and rural threshold limit based on the type of application received by an authority. Where 20% of applications per annum were not 'major applications' the LPA could opt for a lower threshold as per the example given below;**

**winning and working of minerals**  
**waste development**  
**number of dwelling units to be provided is 3 or more**  
**development to be carried out on 0.2 hectares of land**  
**provision of building with a floorspace of 500m2 or more**  
**development carried out on site of 0.5 hectares or more**

<b>Q10</b>	<b>Do you agree that LPAs should have the choice of two development thresholds?</b>	Yes	Yes	No
------------	---	-----	-----	----

			(subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We would support two thresholds if one was substantially lower and more applicable to the size and scale of applications received by rural authorities as indicated in the reply to Q9.</b></p> <p><b>If the two thresholds as proposed were to remain there is a need to introduce a third threshold similar to that proposed in reply to Q9.</b></p>				

<b>Q11</b>	<b>Do you agree that the national scheme of delegation should include an exception based on an objection threshold?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>The objection threshold should be substantially lower for rural authorities and should take into account objections by statutory consultees such as Community Councils and Highway Authorities. We would suggest again for rural authorities;</b></p> <p><b>5 letters of objection</b>  <b>A relevant planning objection received from a Town or Community Council,</b>  <b>A petition with 10 signatures.</b>  <b>Receiving 20 or more objection letters from a town or city environment, may be easier to achieve than in quiet small villages and rural environments, therefore the documents as it currently stands will disempower and ultimately disenfranchise rural communities from taking part in the planning process. Similarly, the relationship between Community Council and rural Authorities is extremely important.</b></p> <p><b>National Parks have steadily built up a very good relationship with Community Councils . An important factor in developing this positive relationship is their input into the planning system. If their representations on any planning application is contrary to an officer’s recommendation and is based on sound planning issues, then this leads to the application going to planning committee. If the Committee carries the officer’s recommendation, the Authority will then write to the Community Council to explain the reasoning behind the decision. We believe this has empowered and engaged these important organisations. The proposed changes in this consultation document would undo all of this positive work and lead to further disengagement with planning in rural areas and a subsequent local democratic deficit.</b></p> <p><b>There is a concern however that any threshold level could open the process to abuse with objectors rallying support just to achieve the threshold in order to delay the determination of an application. This could lead to more applications</b></p>				

being referred to Planning Committee which in turn would have a detrimental impact on the number of applications being determined within the prescribed period.

<b>Q12</b>	<b>If yes, is 20 letters from different people in different addresses and/or a petition with 30 signatures appropriate to establish that there is a genuine community-wide interest in the development?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:                  We believe that a lower thresholds should be applied and material planning objections by Community Councils referred to committee ( see reply to Q11).</p>				

<b>Q13</b>	<b>Is it necessary to limit member call-in? If not, please specific the reasons.</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:                  Members should have the right to refer applications to committee for legitimate planning reasons irrespective of the size of the development or community concern. There should be rules to control this such as written notification with planning reasons and done so within 21 days of notification. There is no reason why such arrangements cannot be decided locally without the need for intervention by central government. National Parks have delegated schemes which are efficient and result in upwards of 90% delegation to officers.</p> <p>If specific national criteria are to be applied for call in by members, the National Parks would favour Option 1 agreed by the Chairman and not linked to any particular threshold of size of development or the number of objections received. The criteria listed in paragraph 5.59 are a good starting point for referral but we suggest there should be a specific criteria relating to the environment such as;</p> <p>"The development on its own, or in cumulation with similar proposals, is likely to have an adverse impact on a sensitive landscape or habitat and would benefit</p>				

from a public examination of the merits of the proposal and to explore possible mitigation measures"

<b>Q14</b>	<b>Should delegation panels be introduced as measure to validate member call-in requests?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:  
 Decision should be made by the Chairman of the Planning Committee in consultation with senior officers.

<b>Q15</b>	<b>Should member call-in be linked to another exception? If not, please specific the reasons and provide a suggested alternative measure.</b>	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
 See the reply to question 13 and the addition of an additional criteria to those listed in paragraph 5.59 of the consultation document.

**Joint Planning Boards**

<b>Q16</b>	<b>Do you agree that the Welsh Ministers should have the authority to determine the size of the joint planning board membership, providing that size is consistent with that for planning committees?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:  
 This should be a matter for local discussion and agreement and should be based on guidance and not regulation.

<b>Q17</b>	<b>Do you agree with the proposed population formula for establishing the numbers of members from contributing planning authorities to form the joint planning</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>board?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>This should be a matter for local discussion and agreement based on guidance and not regulation.</b>			

**Financial Impacts**

<b>Q18</b>	<b>Do you have any comments to make about the partial Regulatory Impact Assessment at Annex 1? Are the assumptions made realistic? If not, what figures would be more appropriate?</b>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>There should be an impact analysis on local communities and this included as an additional sub-heading in the Impact Assessment.</b>				

**General**

<b>We have asked a number of specific questions. If you have any related issues or comments which we have not specifically addressed, please use this space to report them:</b>

I do not want my name/or address published with my response (please tick)

**How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-e@wales.gsi.gov.uk">planconsultations-e@wales.gsi.gov.uk</a> [Please include 'Planning Committees, Delegation and Joint Planning Boards – WG23070' in the subject line]
<b>Post</b>

Please complete the consultation form and send it to:

**Planning Committees, Delegation and Joint Planning Boards**  
**Development Management Branch**  
**Planning Division**  
**Welsh Government**  
**Cathays Park**  
**Cardiff**  
**CF10 3 NQ**

**Additional information**

If you have any queries on this consultation, please

Email: [planconsultations-e@wales.gsi.gov.uk](mailto:planconsultations-e@wales.gsi.gov.uk)

Telephone: Luke Seaborne on 029 2082 1573



## Appendix E CONSULTATION RESPONSE FORM

### Design in the Planning Process

We want your views on how we can support our national planning policy on design and facilitate the delivery of good design through the planning system.

Please submit your comments by **16 January 2015**

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

#### Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you do not want your name and address to be shown on any documents we produce please indicate here**

**If you do not want your response to be shown in any document we produce please indicate here**

## CONSULTATION RESPONSE FORM

<b>Design in the Planning Process (Consultation)</b>		
<b>Date: 6 October 2014 - 16 January 2015</b>		
<b>Name</b>	Rhodri Davies	
<b>Organisation</b>	On behalf of the Three National Parks in Wales	
<b>Address</b>	Brecon Beacons National Park Authority Plas y Ffynnon Cambrian Way Brecon LD3 7HP	
<b>E-mail address</b>	rhodri.davies@beacons-npa.gov.uk	
<b>Telephone</b>	01874 620 424	
<b>Type</b> <i>(please select one from the following)</i>	Business	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency / Other Public Sector	<input type="checkbox"/>
	Professional Body / Interest Group	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

<b>Q1</b>	<b>Design Quality</b>	<b>X</b>
	Is the planning system effectively delivering the five key objectives of good design? Give reasons for your answer.	
	<b>Yes</b>	
	<b>Neither Yes nor No</b>	<b>X</b>
	<b>No</b>	

<b>Q1</b>	<b>Further Comments</b>
	<p>The Planning system is best placed to deliver the 5 key objectives of good design, and, through a combination of design policies at both national and local level, legislation and negotiation, in general, it is considered that the system is delivering effectively.</p> <p>However, this is difficult to measure given that some DAS's fail to fully address all of the objectives set out in TAN 12. This is compounded by the fact that there is no scope under the current regulations to invalidate an application on the grounds of a substandard DAS.</p> <p>They also tend to be produced retrospectively to justify the developers/applicant's scheme rather than as a tool to explain the development of the proposals from the context of the site.</p> <p>In a National Park context, it is important that we only approve sustainable developments which achieve all of these objectives – but this is left to the Officers involved in assessing the quality of the proposals and drawings submitted rather than the information provided by the applicant/agent in the DAS.</p>

<b>Q2</b>	<b>Local Development Plans</b>	<b>X</b>
	Do you agree that a national development management policy on design would be beneficial?	
	<b>Yes</b>	<b>X</b>
	<b>Neither Yes nor No</b>	
	<b>No</b>	

<b>Q2</b>	<b>Further Comments</b>
	A general national development policy on sustainable design would be beneficial but only to give a strategic steer on what elements of sustainable design need to be consistently considered by all LPA's in Wales.

However, it should be accepted that design is a highly localised issue, and as such, any national policy must allow sufficient flexibility for LPA's to produce local design policies which respond to local design characteristics.

Added to that, the planning issues and pressures affecting each individual LPA may be area specific and contrasts widely even between neighbouring LPA's. The Welsh Government should not allow the local distinctiveness of parts of Wales to be diluted in the overall aim to provide consistency and uniformity.

There is also a question around the application and implementation of this policy. If it is perceived to be 'handed down from on high' LPA's might be reluctant to implement it as intended. National Parks are a prime example where a general policy would not fit. It is also essential that standardised policies do not undermine local issues and the significance of local identity and character in retaining diversity and interest in the built environment of Wales.

<b>Q3</b>	<b>Supplementary Planning Guidance</b>	<b>X</b>
	Are area and site specific plans, such as masterplans, being used to positively plan for key development? Can you highlight areas of good practice?	
	<b>Yes</b>	x
	<b>Neither Yes nor No</b>	
	<b>No</b>	

<b>Q3</b>	<b>Further Comments</b>
	At the BBNPA, major mixed use development land allocations can only be brought forward following the preparation of a development/design brief by the developers following negotiations with the LPA and other interested parties and statutory consultees and a public consultation process. The document is then endorsed by the National Park Authority committee and becomes a material planning consideration in the determination of any subsequent planning application for that site.
	This process enables all parties to have a say in the sustainable design of the development from the outset.

<b>Q4</b>	<b>Supplementary Planning Guidance</b>	<b>X</b>
	Do you agree that the Welsh Government should produce practice guidance on the process of site analysis to inform the development of well designed proposals?	

	<b>Yes</b>	x
	<b>Neither Yes nor No</b>	
	<b>No</b>	

**Q4 Further Comments**

This is absolutely necessary to highlight the requirement for developments to respond to the characteristics and context of the site and surrounding buildings and natural landscape. The guidance should be adhered to by developers to design schemes that are sustainable and in keeping with the area and to produce reasoned Design and Access Statements.

**Q5 Front Loading / Pre-applications**

How can we ensure that pre-application discussions assist in the improvement of design quality and inclusive access of development? Can you highlight areas of good practice?

If sufficient (and relevant) information is provided by the applicant at the pre-application stage, the LPA can provide guidance in its response with specific regard to design, materials/finishes, scale of development, any prominent design features and architectural characteristics in the immediate and wider area and the provision for inclusive access to inform the overall design.

Pre-application submissions and negotiations should be a mandatory requirement for developments of a certain size, type and scale with a reduced threshold in protected and sensitive landscapes such as National Parks and Areas of Outstanding National Beauty.

As is the case with the BBNPA, developers on the larger schemes are expected to provide a draft DAS with their pre-application submission and to include the findings of their discussions with relevant consultees including the Police Secure by Design and Architectural Liaison Officers.

**Q6 Planning Applications**

Other than further training or additional practice guidance what additional tools would assist you in assessing the quality of design in planning proposals?

Whilst LPA Officers are generally aware of what constitutes “good design,” whether or not a building is visually/aesthetically appropriate in any particular location can be a subjective

matter where the personal preference of a particular Officer can dominate the consideration of a scheme.

As such there will always be a healthy range of opinions between Officers within a Local Planning Authority and it is important to accept that there can be more than one acceptable and sustainable solution to a given site. However, this assessment should not only concentrate on the external appearance of a building but also the practicality/functionality and sustainability characteristics of a building. Guidance on these other non-visual aspects of good design is important.

In addition, it is considered that funding/resources/tool kits to enable Local Planning Authorities to prepare localised design guides, design codes for particular areas and Conservation Area Assessments that would identify site/area specific design considerations would be beneficial and would help to achieve a consistency of application within a LPA area.

<b>Q7</b>	<b>Access</b>	<b>X</b>
Do you agree that the amendments to the 1APP form will ensure inclusive access issues are considered in development proposals?		
Yes		
Neither Yes nor No		x
No		

<b>Q7</b>	<b>Further Comments</b>	
<p>Not necessarily. In most cases the design has already been finalised before the application form is completed and as such inclusion in the application form is more of an aide memoir rather than embedding the requirement to consider inclusive access at the outset.</p> <p>If there is a formal requirement for applicants/developers to complete this question on the 1APP form in a comprehensive manner before the LPA could register the application as valid then applicants will focus more on the issue from the outset. The WG would then need to issue guidance as to the type of developments and uses where inclusive access would be expected as part of the proposals.</p>		

<b>Q8</b>	<b>Access</b>	
What information or other measure would assist local planning authorities assess planning proposals in terms of inclusive access?		

Updated national guidance relating to minimum standards/dimensions for inclusive access both internally and externally.

WG guidance on the additional costings for housing developments would be welcomed to help with viability testing (as has been provided for the addition of sprinklers)

**Q9**

**Design Commission for Wales and Planning Advisory and Improvement Service**

How can the PAIS and DCfW mainstream good design and inclusive access in the planning process?

The DCfW could help to educate applicants/developers in the need to comply with planning policies in terms of the principle and location of sustainable development by identifying case studies and explaining the entire planning application process rather than just concentrating on the design, sustainability and viability elements of schemes. PAIS should liaise with and invite LPA's to submit examples of good practice to share with other LPA's so that they can adapt the approach to their individual circumstances and needs.

**Q10**

**Design Skills and Good Practice**

How can we continue to raise the design skills of local authority officers and members and what further specific training is required?

It is considered that both Officers and Members would benefit from specific topic led design workshops that could be organised by DCfW/PAIS to embed the principles of design and provide locally specific training that recognises the particular local characteristics that need to be reflected in the design of new developments.

A "roadshow" of free training sessions with good practice guides by DCfW (supported by PAIS) would be welcomed however it is important not to dwell on the design skills of local authority officers and forget the agents/architects who should also have an equal part to play in the stated aim of raising design standards.

**Q11**

**Design Skills and Good Practice**

Is there scope for local planning authorities to work differently or more collaboratively on design issues? Do you know of any existing activity in this area?

X

Yes

<b>Neither Yes nor No</b>	x
<b>No</b>	

**Q11 Further Comments**

A Three Parks Sustainable Design Guide was produced that picked up on many of the shared experiences of the Welsh National Parks LPA's.

However, more detailed collaborative working on sustainable building/design issues is not always possible due to the local nature and application of design standards.

Also, it is often difficult to reach an acceptable compromise with developers on design grounds when they are more concerned with making savings on the build costs of developments and when the prospect of winning an appeal purely on design grounds is limited.

It would be extremely beneficial for Local Planning Authorities to have access to a specific Design Officer and Landscape and Visual Impact Assessors, particularly in relation to major development schemes.

It would therefore be welcomed if resources could be directed towards providing shared Design and Landscape Impact Officers on a joint working basis, so that major development schemes can be referred to them for their advice and decisions can be defended more easily at appeal without incurring large consultant costs.

For example, the Three National Park Authorities in Wales have been in discussions about appointing a joint landscape officer.

**Q12 Design Skills and Good Practice**

Can you highlight areas of good practice, from Wales or elsewhere, relating to any of the above, which promote and/or lead to the achievement of good design and inclusive access?

The BBNPA has previously established a Service Level Agreement with a local access group (Brecknock Access Group) that reviews all planning applications and, where appropriate, provide comments to Officers with regards inclusive access.

The BBNPA have also invited the Brecknock Access Group to provide training for officers on inclusive design and undertake practical sessions in Brecon Town Centre to illustrate how difficult it is for the disabled to access public buildings etc.

However, this SLA is currently under threat due to budget cuts.

The PCNPA uses the adjoining Local Planning Authority's Access Officer for member training and to provide comment on specific planning applications where appropriate. More could be made of this postholder's skills and knowledge if there were further capacity and funding.



<b>Q13</b>	<b>Design and Access Statements</b>	<b>X</b>
	Are there any benefits in retaining the requirement for Design and Access Statements for particular applications?	
	<b>Yes</b>	<b>x</b>
	<b>Neither Yes nor No</b>	
	<b>No</b>	

<b>Q13</b>	<b>Further Comments</b>
<p>The current requirement for a DAS is unnecessarily onerous and unspecific. With minor applications, its submission has become more of a tick box exercise than its intended purpose to inform and explain the evolution of the development's design.</p> <p>Nevertheless, it is considered that Design and Access Statements still have an important role to play in relation to ensuring sustainable major developments and as such should be retained for all major development proposals.</p> <p>Furthermore, the purpose of Design and Access Statements is particularly pertinent for developments within Article 1 (5) and Article 1 (6) which, by their very nature, are afforded greater protection where it is imperative that design considerations are taken into account early on in the design stage.</p> <p>It is considered that the Design element of the DAS should be retained for all planning, listed building and conservation area consent applications on Article 1 (5) and Article 1(6) land with the additional element of access only being required in relation to major applications within those areas.</p> <p>When used properly and in the way it was intended, the DAS is a good communication tool which ensures that the applicant at least considers the objectives of good design in the formulation of their scheme. This leads to more informed, suitable and better applications and more sustainable developments in many cases.</p>	

<b>Q14</b>	<b>Design and Access Statements</b>	<b>X</b>
	Should the mandatory requirement for Design and Access Statements be removed from secondary legislation? Give reasons for your answer.	
	<b>Yes</b>	
	<b>Neither Yes nor No</b>	
	<b>No</b>	<b>x</b>

**Q14 Further Comments**

For the reasons outlined in the response to Q13 above, rather than its complete removal from legislation, the requirement for DAS in relation to certain applications should be retained.

If the proposed changes to the 1APP form are successful in ensuring that inclusive design is considered from the outset (by making it a requirement for a valid application), then it may be appropriate to remove the requirement to provide a DAS for minor applications where the five design objectives are not always applicable.

**Q15 Any Other Comments**

We have asked a number of specific questions. If you have any related issues or ways which design can be improved through the planning system which we have not specifically addressed, please let us know.

**How to respond**

Please submit your comments by **16 January 2015** in any of the following ways:

E-mail	Post
<p>Please complete the consultation form and send it to:  <a href="mailto:planconsultations-a@wales.gsi.gov.uk">planconsultations-a@wales.gsi.gov.uk</a> /  <a href="mailto:planconsultations-a@cymru.gsi.gov.uk">planconsultations-a@cymru.gsi.gov.uk</a>            [Please include '<b>Design in the Planning Process Consultation</b>' in the subject line]</p>	<p>Please complete the consultation form and send it to:            Design Consultation            Planning Policy Branch            Planning Division            Welsh Government            Cathays Park            Cardiff            CF10 3NQ</p>

**Additional information**

If you have any queries about this consultation, please:

E-mail: [max.hampton@wales.gsi.gov.uk](mailto:max.hampton@wales.gsi.gov.uk)

Telephone: Max Hampton on 02920 82 6166



Consultation reference: WG23314

## Consultation Response Form

### Frontloading the development management system

We would like your views on our proposals for the detailed operation of the pre-application processes introduced by sections 15 and 16 of the Planning (Wales) Bill. We also want your views on our proposals to use powers provided in the Planning (Wales) Bill and the Planning and Compulsory Purchase Act 2004 to place duties on statutory consultees.

**Please submit your comments by 16 January 2014.**

If you have any queries on this consultation, please email: [planconsultations-c@wales.gsi.gov.uk](mailto:planconsultations-c@wales.gsi.gov.uk) or telephone 029 2082 5632.

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response or tick the box at the end of this form. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation reference: WG23314

Frontloading the development management system		
6 October 2014 – 16 January 2015		
<b>Name</b>	Helen Rice	
<b>Organisation</b>	Brecon Beacons National Park Authority on behalf of the three Welsh National Parks	
<b>Address</b>	Plas y Ffynnon Cambrian Way Brecon LD3 7HP	
<b>E-mail address</b>	helen.rice@beacons-npa.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

**Type of development affected**

Q1	Do you agree that all “major” development should be subject to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**  
 In National Parks, a reduced threshold of development should also be subject of pre-application consultation due to the relative impact that smaller developments can have on our protected landscapes. For your information, the Brecon Beacons National Park Authority has successfully provided a paid pre-application service since April 2010, which has recently been updated to capture the majority of development proposals with the exception of householder proposals.

Consultation reference: WG23314

**Publicising the development proposal**

<b>Q2</b>	Do you agree that the issue of neighbour letters and site notices should follow the guidance in Circular 32/92? If not, how should the notification process operate?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q3</b>	Do you agree that 21 days is an appropriate timescale to allow responses to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q4</b>	Would LPA offices be an appropriate location for viewing a hard copy of the plans and supporting information? If not, where should hard copies of plans and supporting information be made available for public viewing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This may be appropriate in instances where the LPA area is relatively small (the Valleys LPAs for example) or where the development site is located in the same settlement (or nearby) as the LPA offices. However, in larger LPAs (in terms of area) it would be more appropriate for the developer to deposit the application details at local facilities (such as libraries or community/town halls).				

Consultation reference: WG23314

**Consultation with “specified persons” (statutory consultees)**

<b>Q5</b>	Do you agree that 21 days is an appropriate timescale for consultees to respond?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b>                  In the majority of cases, this timescale is appropriate however it should be acknowledged that more complex cases may need an extended period to respond.</p>				

<b>Q6</b>	Should provision be made for a time extension when this is agreed in writing between the developer and consultee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b>                  This approach would be acceptable for the more complex cases only, and provided both parties agree, should enable a more informed and detailed response.</p>				

**Duty on the developer to provide a pre-application consultation report (PAC)**

<b>Q7</b>	Are there any other issues that should be included in the pre-application consultation report? If so, please identify these issues and explain why they should be included in the PAC.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b>                  The pre-application report should include a copy of all responses received on the consultation, and not only specified consultees. The report should also include details of the proposals as consulted upon so that the amendments that have been made to the scheme can be clearly reviewed. In relation to specific public consultation meetings/exhibitions, the details of the time, place and number of attendants would also be useful.</p>			

Consultation reference: WG23314

**The pre-application enquiry form**

<b>Q8</b>	Do you agree that the information specified in paragraph 3.4 will be sufficient to allow the LPA to respond?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b>                  The submission of site photographs is always beneficial for Officers, and it would also be helpful to include any details of planning history on the site that the applicant is aware of. Details of any informal discussions with neighbours/community council's/consultees would also be beneficial. It is also considered essential that the enquiry is accompanied by a defined site location plan.</p>				

**Maintaining records of the pre-application service**

<b>Q9</b>	Do you agree that LPAs should maintain spatial records of pre-application enquiries?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b>                  It is essential for pre-application queries and responses are spatially recorded by the LPA to enable an understanding of the development proposal's evolution when applications are submitted. The Brecon Beacons National Park Authority already undertake this using their planning database (UNIform) and as such each time an application is submitted the details of any pre-application discussions are pulled through to provide an insight into the development's evolution. In terms of providing this information, it would be helpful if all LPAs adopt the same approach, and only release pre-application details and correspondence via requests under the Freedom of Information Act and/or Environmental Information Regulations.</p>				

**The LPA response**

<b>Q10</b>	Should the written response from the LPA contain any other information?	Yes	Yes	No
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Consultation reference: WG23314

			(subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

The response should advise of any site specific constraints, e.g. flood risk, biodiversity, archaeology, pipelines that the Authority is aware of and how such matters may affect the proposed development.

Consultation reference: WG23314

**Timescale for response**

<b>Q11</b>	Do you agree that 21 days provides the LPA with sufficient time to provide a written response that meets the requirements set out in paragraph 3.10?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b>                  On the majority of cases, 21 days is likely to be sufficient, however, in many circumstances this is dependent on receiving responses from consultees (if any) in a timely manner to inform a response. The Brecon Beacons National Park Authority has recently reviewed the length of time it takes to respond to pre-application enquiries and has set a varied timescale that responds to the scale and nature of the proposal. A copy of the Brecon Beacons National Park Authority's pre-application guidance note is attached to this response for information.</p>				

**Meeting**

<b>Q12</b>	Do you agree that the timescales and process for the pre-application meeting is appropriate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b>                  It is considered that the pre-application form should at the outset enable the applicant to decide in what format the pre-application advice is to be received, e.g. meeting only, written advice only, meeting and written advice. In BBNPA experience, a number of applicants only wish to receive a written response whereas others only wish to have a meeting. In the case of the latter, the Officer will prepare a short summary of the meeting for internal purposes only. It has rarely been requested to hold a meeting after receiving a written response as the advice is sufficiently clear to avoid this.</p> <p>In the cases where the applicant has requested a meeting only, then it is considered that a timescale of 7 days for the LPA to provide possible dates to the applicant would be appropriate.</p>				

**Fees for the statutory pre-application service**

<b>Q13</b>	Do you agree that the fee for the statutory pre-application service should be based on existing discretionary charges? If not, how should fees for the statutory pre-application service be calculated?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23314

**Comments:**

It is strongly advised that subsequent pre-application requests are the subject of the statutory process, especially more complex proposals where following the initial response various amendments would be required that will require additional review of the proposals. However it is recognised that such requests, provided they relate to the same initial scheme should be the subject of a reduced fee. Following a review of the pre-application service at BBNPA, it was noted that a significant amount of Officer resource was allotted to subsequent discussions which, up until April 2014 were not the subject of a charge.

<b>Q14</b>	Should householder development proposals that are submitted to the statutory pre-application service be exempt from a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> Provided that the request is made by the householder himself, if it involves an agent or developer then it is considered that the fee should be applied.				

**Substantive responses**

<b>Q15</b>	Do you agree with our definitions of “substantive response”?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> It is also considered that consultees provide details of any conditions that they wish to be imposed in the event that planning permission is granted having regard to the advice set out in Circular 016/2014.				

**Timescales for response**

<b>Q16</b>	Do you agree that 21 days is a reasonable	Yes		No
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Consultation reference: WG23314

	timescale for statutory consultees to provide a “substantive response” to consultation requests?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> This timescale is reasonable in most cases but given that the proposed overall target for the LPA to respond to pre-application requests is 21 days this allows very little time for the LPA to review and collate responses. This therefore supports the view to extend the overall period in which LPAs can respond.				

**Performance reports**

<b>Q17</b>	Do you have any comments on the content of the performance report?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b>				

**Other**

<b>Q18</b>	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b>				

Consultation reference: WG23314

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

## **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation response form and send it to: <a href="mailto:planconsultations-c@wales.gsi.gov.uk">planconsultations-c@wales.gsi.gov.uk</a>  (Please include “WG213314” in the subject line).
<b>Post</b>
Please complete the consultation form and send it to:  <b>Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please Email: <a href="mailto:planconsultations-c@wales.gsi.gov.uk">planconsultations-c@wales.gsi.gov.uk</a> or Telephone: Alan Groves on 029 2082 5362

Appendix G

**Consultation: Local Development Plans Process Review  
CONSULTATION RESPONSE FORM**

We want to know your views on our proposed revisions to improve our Local Development Plan (LDP) guidance documents and secondary legislation.

In considering the following questions we would like you to consider whether you agree with both the principle of the proposed changes and the detail of the revisions.

Please submit your comments by **2<sup>nd</sup> January 2015**

If you have any queries on this consultation,

please email: [planconsultations-d@wales.gsi.gov.uk](mailto:planconsultations-d@wales.gsi.gov.uk)

or telephone: 029 2082 6956 / 3710; or 0300 0625426.

**Data Protection**

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

**Confidentiality**

Responses to consultations may be made public on the internet or in a report.

**If you do not want your name and address to be shown on any documents we produce please indicate here**

**If you do not want your response to be shown in any document we produce please indicate here**

## CONSULTATION RESPONSE FORM

**Local Development Plans Process Review (Consultation)**Date 1<sup>st</sup> October 2014 – 2<sup>nd</sup> January 2015

<b>Name</b>	Martina Dunne	
<b>Organisation</b>	On behalf of National Parks Wales	
<b>Address</b>	Llanion Park Pembroke Dock Pembrokeshire Sa72 6DY	
<b>E-mail address</b>	Martinad@pembrokeshirecoast.org.uk	
<b>Telephone</b>	01646 624820	
<b>Type</b> <i>(please select one from the following)</i>	Business	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency / Other Public Sector	<input type="checkbox"/>
	Professional Body / Interest Group	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

<b>Q1</b>	<b><u>Front-loading / alternative sites</u></b>	<b>X</b>
With the proposed greater front-loading of the process in terms of sites and a more defined and informative Preferred Strategy, do you agree that no-one would be disadvantaged by the elimination of the 'alternative sites' stage (Regulations 20&21)?		
<b>Agree</b>		x
<b>Neither Agree nor Disagree</b>		
<b>Disagree</b>		

<b>Q1</b>	<b><u>Further Comments</u></b>	
<p>Deletion of the alternative site stage is welcomed. In our experience, this stage led to widespread confusion and anger within the community. Rather than feeling any one party would be disadvantaged by the proposed amendment, it is felt that there would be significant advantage in relation to the transparency and fairness of plan making to all concerned.</p> <p>The procedures put in place and the advice to be provided around consultation and engagement on candidate sites for a Local Development Plan could perhaps be streamlined further.</p> <p>At paragraph 6.5.1.4 the Manual refers to the candidate site register 'consultation' and the Preferred Strategy Consultation in terms of doing a full Local Development Plan. Later there is reference to allowing new sites at Deposit Stage as well.</p> <p>Could the candidate site registration opportunity be closed off much earlier and no further sites allowed to be put forward? Without this there is confusion amongst the public and there would appear to be a disadvantage where some potentially get a few opportunities to comment where as others can only object at deposit stage or not at all. This will be seen by some as a lost opportunity and unfair.</p> <p>There could be greater clarity in the guidance on what happens regarding sites for the short form revision option. At paragraph 10.2.8 there is reference to doing a round of consultation on candidate sites. Could it be clarified if the phrase 'entirely new sites' means sites that were never put forward prior to Plan adoption? Also if consultation is required then this looks as if it might be at the discretion of the local planning authority as to how this is carried out. The Preferred Strategy formal consultation is not required for short form revision and greater clarity/formal procedures on the form of consultation that is expected on sites prior to deposit stage would be helpful. Again the introduction of new sites at Deposit Stage is an issue.</p>		

<b>Q2</b>	<b><u>Review report</u></b>	<b>X</b>
Do you agree that the LPA should prepare and publish a Review Report to justify whether a full or partial plan revision is appropriate, and that this should form part of the package of required documents at pre-deposit, deposit and submission?		



<b>Agree</b>	<b>x</b>
<b>Neither Agree nor Disagree</b>	
<b>Disagree</b>	

**Q2 Further Comments**

The Review report provides an opportunity for the LPA to clearly explain its position in relation to the review of the LDP. There is potential for such a report to be a useful communicative tool in engaging stakeholders in the review of the plan and providing opportunity for early discussions regarding the scope of the review with objectors. It is considered that the development of the review report should be done in consultation with key stakeholders based on the findings of the proceeding periods AMRs. This consultation process should provide enough evidence to the Authority to make a binding decision on the scope of the revisions to be agreed by the WG.

<b>Q3</b>	<b><u>Short-form Revision Procedure</u></b>	<b>x</b>
	Where an authority is proposing to make partial revisions to an adopted LDP and the plan strategy remains sound, do you agree with the provision of the short-form revision procedure (quicker, shorter and more proportionate)?	
	<b>Agree</b>	x
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	

**Q3 Further Comments**

The principle of doing a short form revision is supported but clarity is needed regarding the steps that have to be taken in relation to how candidate site consultations are taken into account. See above under Q1. Any implications for Sustainability Appraisal/Strategic Environment Assessment and Habitats Regulations Assessment procedures for short form revision would also need to be clear.

Also paragraph 4.5.2.3 appears to imply that the revisions to the Delivery Agreement for revising a Plan do not require public consultation. This would not be an acceptable approach in terms of National Park Authorities needing to engage with local communities and this would add to the timetable for preparation. In terms of timing there also needs to be flexibility in terms of busy holiday periods for local communities. This is a particular problem for National Parks and the desire to engage will mean adding time to the overall timetable. The timescales referred to at paragraph 10.2.13 seem extremely tight for short form revision.

We also have some concerns that there is the potential for issues not addressed by the review to be given credence at an Examination at the discretion of the Inspector. It would be preferable if there could be some agreement of the Review Report to agree the extent of the revisions are sound and there will be no scope for additional changes at examination.

Q4	<b><u>Soundness tests</u></b> Do you agree with the proposed package of soundness tests?	X
<b>Agree</b>		x
<b>Neither Agree nor Disagree</b>		
<b>Disagree</b>		
Q4	<b><u>Further Comments</u></b>	
<p>The new package appears to consolidate the original tests with the specific questions outlined under Section 1.2 of the Planning Inspectorate Wales’ “<i>A Guide to the Examination of Local Development Plans</i>”. This has added clarity and provides a more comprehensive package for the majority of key questions to be investigated.</p> <p>However, it is considered that those additional questions highlighted under the original soundness test CE3 “<i>There are clear mechanisms for implementation and monitoring</i>”, within the above mentioned guidance, have not been clarified or included to the same extent in the new package as those additional questions for other tests. For example no mention of whether the plan sets out the factors essential to the delivery of key policy objectives (final bullet under CE3 in the above mentioned guidance).</p> <p>Is the sub question “<i>Will it be effective?</i>” under Test 3 in the revised package necessary? This would seem to be a question that is embedded in all other soundness tests. If the LDP fails some of these tests then its effectiveness is questioned as a result, conversely if the LDP is found to comply with all tests, it is reasonable to assume it will be effective. Perhaps additional clarity on this specific question would be beneficial if it is to be included, for example to explain how this is different to the overall Test 3 “<i>Will it deliver?</i>”</p> <p>Will the Planning Inspectorate guidance be updated once the revised LDP Regulations and guidance have been produced and if so within what timescale? Or is it intended to be accommodated as part of the new LDP Manual? The answer impacts on the extent to which the new soundness tests should be explained in the revised LDP Manual.</p> <p>Finally, there does not seem to be specific guidance available on the application of the tests for a partial review of the plan? Further information in this regard is required, for example whether the extent to which the tests are applied are left to the discretion of the Inspector?</p>		
Q5	<b><u>Integrated approach</u></b> <b>a.</b> Do you agree that an integrated approach to incorporating sustainability appraisal (including strategic environmental appraisal) fully into LDP preparation will produce savings and reduce complexity?	X

	<b>b. Do you agree that this integration would not conflict with any statutory process?</b>	
<b>Agree</b>		x
<b>Neither Agree nor Disagree</b>		
<b>Disagree</b>		

**Q5 Further Comments**

The National Park Authorities welcome the development of the integrated approach, and feels it will benefit plan making. Overall the new guidance is welcomed with regard to SA/SEA. It is also encouraging to see a stronger stand point against SA as a tick box peripheral process that is often done in retrospect. SA offers the most value when carried out as an integrated iterative process. It is encouraging to see that approaches already implemented by local planning authorities (e.g. PCNPA) in terms of integration are going into national guidance.

The integrated approach is unlikely to produce any significant savings as the number of SA tasks and the work behind them is not reduced, however this approach would reduce complexity.

There may be opportunities to reduce complexity further by including snippets from the SA Report within the LDP itself where appropriate e.g. in the form of an “SA Box”

The addition of a screening process for SEA for LDPs would appear to increase the SA workload, it could be argued that this is an unnecessary step for those LPAs that are just beginning their LDP preparation process. However, screening is pertinent for LDP review short form in particular where it can be used to identify those changes that need assessment and reduce the need for assessment where it is perhaps not needed or could not add any value.

There does not appear to be conflicts with the statutory process.

There is a view that SPGs do not require assessment because they are daughter documents to LDPs and by association have already been assessed and this is not the case, we therefore welcome the section on SPGs and the prompt for SEA Screening. This measure should help to avoid future legal challenges.

<b>Q6</b>	<b><u>Resources</u></b>  In the LDP Regulations, do you agree with adding ‘resources’ as a matter to which regard must be had at Regulation 13, given that LDP strategies should be deliverable within the plan period?	x
<b>Agree</b>		
<b>Neither Agree nor Disagree</b>		
<b>Disagree</b>		x

<b>Q6</b>	<b>Further Comments</b>
<p>The Welsh National Park Authorities understand the need for Local Development Plans to demonstrate that they are deliverable; however we have some reservations in relation to the necessity or reasonableness of this proposed amendment. We state this with reference to the specific circumstances of National Park Planning Authorities, as special purpose planning authorities, may not be specifically resourced to deliver the entire proposals of the Local Development Plans, and may be reliant on outside agencies such as our constituent Unitary Authorities to deliver. Similarly many of the issues surrounding deliverability within our current Local Development Plan relate to the constraints of existing service infrastructure. For example Brecon Beacons National Park Authority has been forced into a position where a phased release of land has been necessary to meet infrastructure provision from statutory undertakers such as Dwr Cymru, and as such it is to their resources that the Authority is bound in the delivery of the Local Development Plan.</p> <p>Additionally, we are concerned that this poses a duty on Local Planning Authorities that we are not able to influence beyond current practice, in very real terms, there is a limitation to the extent to which the Local Planning Authority is responsible for the delivery of development. The extent to which the Authority can influence delivery of sites ends with the process of allocation/ grant of planning permission. It is an individual landowner's decision whether a site is brought forward for development, and certainly within our experience as a rural authority, land owners will hold onto their sites in the hope of achieving more favourable returns with improvements in the market. There is not the urgency amongst such landowners to bring sites forward within the 4 year period of Local Development Plan review. For a 15 year plan this not something that can be expected of others either.</p>	

<b>Q7</b>	<b><u>End date</u></b>	<b>X</b>
<p>In the LDP Regulations, do you agree with adding the end date of the LDP period (i.e. the end of the period for which the LDP is planning) to the LDP sub-title at Regulation 11(1)(b)?</p>		
<b>Agree</b>		x
<b>Neither Agree nor Disagree</b>		
<b>Disagree</b>		

<b>Q7</b>	<b>Further Comments</b>
<p>Including the end date on LDP's and their reviewed versions, thus providing a clear date for when they would cease to be a development plan (as explained in paragraph 3.48 of the Welsh Government's Planning (Wales) Bill Explanatory Memorandum, October 2014), should help to ensure that local planning authorities maintain an up to date plan based on sound evidence, as the potential to prolong the life of a plan is removed. However it is considered that the rationale behind this amendment could be explained more clearly, perhaps within section 10 in the revised LDP Manual.</p>	

<b>Q8</b>	<b><u>Notice by local advertisement</u></b>	<b>X</b>
	In the LDP Regulations, do you agree with removing the requirement to give notice by local advertisement (e.g. at Reg22(5)(b); Reg23(1)(c); 24(2)(b); 25(2)(c); 26(b))?	
	<b>Agree</b>	x
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Q8</b>	<b><u>Further Comments</u></b>	
	<p>The removal of the duty is welcomed. Notice of these plans by local advertisement may not be considered by some authorities to represent the most cost effective method of raising awareness and engaging with a range of social groups. Other methods such as the use of social media and local radio can provide greater potential in this regard and so the removal of this requirement is welcomed, particularly in respect of recent budget cuts and the need to secure the maximum gains from expenditure.</p> <p>It does however raise the importance of providing effective public engagement early in the process, as part of the ‘front loading’ approach, to ensure all relevant groups are included from the outset.</p>	

<b>Q9</b>	<b><u>Consultees</u></b>	<b>X</b>
	Do you agree with the revised list of statutory consultees?	
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Q9</b>	<b><u>Further Comments</u></b>	
	<p>There is a note in the draft Local Development Plan Manual to say that this list will be updated further so no comment.</p>	

<b>Q10</b>	<b><u>Guidance package</u></b>	<b>X</b>
	Do you agree with the principle of having a succinct two-document guidance package that excludes the need for <i>LDP Wales</i> ? (Please note that we will in due course be revising the public guide, <i>Planning Your Community: A guide to Local Development Plans 2006</i> , to reflect changes taken forward.)	
	<b>Agree</b>	x
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Q10</b>	<b><u>Further Comments</u></b>	
	<p>Yes this is a good idea but please check that pertinent paragraphs have been brought across to the new documentation, for example:</p> <p>Paragraph 4.52 of the LDP Wales which would allow revision of Joint Plan by one of the planning authorities provided flexibility and should be re-instated if possible. It is recognised that this may well be impossible in reality under the new regime and at least authorities are aware of the binding nature of joint plans from the outset – paragraph 2.5.9 Revisions to PPW. Is it clear in the guidance how one planning authority can seek the withdrawal of a Joint Local Development Plan?</p> <p>Paragraph 2.1.6 of the revisions to PPW: Needs to refer to National Park Management Plans as per the Manual.</p>	

<b>Q11</b>	<b><u>Errors</u></b>	<b>X</b>
	Are there any factual errors in the revised LDP documentation?	
	<b>Agree (yes)</b>	
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree (no)</b>	
<b>Q11</b>	<b><u>Further Comments</u></b>	

Please ensure that 'local authority' references or references to 'the Council' should read 'local planning authority' in certain instances.

3.2.1 of the amended manual refers to LPDs as opposed to LDPs.

Q12

**Any other comments**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

**Local Development Plan Manual**

Glossary of Terms: Add an explanation of what is meant by the term 'full review'. Also add an explanation of 'full-form revision'. It would help to know that carrying out a full review does not automatically mean a full-form revision.

Paragraph 2.3.1 needs to refer to the National Park Management Plan not just the Single Integrated Plan.

Paragraph 2.3.2 Although authorities are asked to rely on PPW in some instances they may well wish to continue to rely on an earlier version of PPW to fit local circumstances. PCNPA have had an instance where text which was relied upon in the LDP from PPW was deleted and caused difficulties at a S78 Appeal. Subsequently it reappeared in Technical Advice Note 23.

Paragraph 2.3.3 Does the last sentence apply to Enterprise Zones?

Paragraph 2.4.1 Reference to showing extant planning permissions for larger sites is not considered to be beneficial. Separate tables in a Background Paper can be informative accompanied by maps. By showing permissions this can give the impression that a renewal of permission will be forthcoming or as has happened in Pembrokeshire Coast National Park an assumption that it wouldn't be renewed because it was not also shown as being allocated in the relevant Plan.

It is unlikely that a future growth arrow beyond the Plan horizon will be understood when on a Key Diagram. PCNPA have put a future growth arrow on an Inset Plan which is more informative.

Footnote 3 on page 14 refers to having a constraints map published separately. Some clarity as to what is meant by the term constraints would be beneficial as the need to comply with the relevant legislation or EU Directive is a requirement in planning terms. Although the reason for keeping it separate is understood this type of mapping is fundamental to explaining how a settlement is planned when engaging with the community. Keeping the option open to include is supported.

At paragraph 8.3.1.8 reference is made to the Inspector determining whether translation facilities will be required. It would be helpful if this decision was made [with the LPA](#).

Paragraph 10.2.2 It is noted that revision of a Plan should always ensure that a plan period looks forward 10-15 years.

**Other documents**

Will the Inspectorates Guide to Examination be updated? This would be helpful particularly in light of the opportunity to do short form revision

Paragraph 2.7 of the additions to PPW - Emerging or outdated Plans. It would be helpful to advise on the weight to be attached to emerging draft revisions to Local Development Plans.

### How to respond

Please submit your comments by **2<sup>nd</sup> January 2015** in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to :  <a href="mailto:planconsultations-d@wales.gsi.gov.uk">planconsultations-d@wales.gsi.gov.uk</a>            [Please include '<b>LDP Process Review Consultation WG23293</b>' in the subject line]</p>	<p>Please complete the consultation form and send it to:            LDP Process Review Consultation            Plans Branch            Planning Division            Welsh Government            Cathays Park            Cardiff CF10 3NQ</p>

### Additional information

If you have any queries about this consultation, please

Email: [planconsultations-d@wales.gsi.gov.uk](mailto:planconsultations-d@wales.gsi.gov.uk)

Telephone: Carole Doyle on 029 2082 6956,  
 Elaine Ancrum on 029 2082 3710, or  
 Heledd Cressey on 0300 0625426.